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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SHERMAN, STEPHEN G

ART UNIT PAPER NUMBER

2629

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/606,458

Applicant(s)

SAWAMURA, YO

Examiner

Stephen G. Sherman

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) 5-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to the amendment filed the 1 March 2006.

Claims 1-4 are pending. Claims 5-9 are withdrawn from consideration.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizawa et al. (US 2002/0184630) in view of Ito et al. (US 6,993,357).

**Regarding claim 1**, Nishizawa et al. disclose a portable communicating apparatus comprising a display section having a display unit (Figure 35, Display Section 512 has a Liquid Crystal Display 518.), a body section (Figure 35, Main Body 513), and a connecting section for relatively displacing the display section and the body section (Figure 35, item 511 connects the sections together as explained in paragraph [0332].),

wherein the display section is further comprised of image input means (Figure 35 shows that the Display Section 512 has a Camera 516.),

image processing means for carrying out an image processing by a DMA method without relying on a signal processing device being provided in the body section, and supplying display image data to the display unit (Paragraph [0355] explains that when the image data is not sent, i.e. to another portable device, the camera can display directly the image data via the interface 554 and the LCD control section 555 shown in Figure 37. Based on the specification the examiner understands this to be a DMA method, as explained in the applicant's specification, since a DMA method is merely a method that refers to the ability of a peripheral device, such as a camera, to read or write to memory without directly involving the host processor. Since the camera 516 provides the LCD with the image data directly, the main control section 550 is not used.

The examiner interprets that since the image data taken with the camera can be displayed, that the camera interface section 554 must perform the image processing and temporary storage of the image data since the main control section 550 is not involved in the processing and the image can further be sent to a permanent memory after the image has been obtained.), and further wherein

transmission of data between the signal processing device and the image processing means via tile connecting section is enabled only when the data includes image data (Based on the interpretation given above of paragraph [0355], the examiner interprets that when image data is sent that there will be communication between the main control section 550 and image processing means, such that when a message is received by the portable communicating device the image data can be displayed on the screen as explained in paragraph [0361].).

Although Nishizawa et al. disclose of the portable communicating device having a signal processing device including a CPU and image processing means, Nishizawa et al. fail to teach that the signal processing device including a CPU is located in the main body section and the image processing device is located in the display section.

Ito et al. disclose a portable communicating device (Figure 2) having a main control unit (Figure 2, item 1) containing a main control circuit (Figure 2, item 11) and an image processing unit (Figure 2, item 5) containing a camera (Figure 2, item 52), display (Figure 2, item 53) and image processor (Figure 2, item 51) separate from the control unit (Figure 2 shows that the image processing unit 5 is separate from the control unit 1 as explained in column 4, lines 31-36.).

Therefore it would have been obvious to "one of ordinary skill" in the art at the time the invention was made to separate the image processing means from the main control section in the portable communicating device taught by Nishizawa et al. in the manner taught by Ito et al. such that the image processor would be located in the display section with the camera and LCD display and the control unit would be located in the main body section in order to allow for the power controller to individually control the different units with power such that power consumption can be reduced by the device and also allow for the direct viewing of images taken by the camera to be more efficiently controlled while having less burden on the main processor.

**Regarding claim 2**, please refer to the rejection of claim 1, and further more Nishizawa et al. also disclose a folding section for foldably connecting the display section and the body section (Figure 35, item 511 foldably connects the sections together as explained in paragraph [0332].).

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizawa et al. (US 2002/0184630) in view of Ito et al. (US 6,993,357) and further in view of Nakatani et al. (US 2003/0020699).

**Regarding claim 3**, Nishizawa et al. and Ito et al. disclose the portable communicating apparatus according to claim 1.

Nishizawa et al. and Ito et al. fail to teach wherein the image data are image data having a relatively low image refresh rate in the display data.

Nakatani et al. disclose of image data having a relatively low image refresh rate in the display data (Paragraph [0029] explains that if the image data is a still image that a low refresh rate can be used, such that the still image would have a low image refresh rate.).

Therefore it would have been obvious to “one of ordinary skill” in the art at the time the invention was made for the image data taught by the combination of Nishizawa et al. and Ito et al. to have a low image refresh rate as taught by Nakatani et al. in order to allow for a reduction in power consumption by reducing the refresh rate when the image data is a still image.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizawa et al. (US 2002/0184630) in view of Ito et al. (US 6,993,357) and further in view of Tuli (US 6,928,461).

***Regarding claim 4,*** Nishizawa et al. and Ito et al. disclose the portable communicating apparatus according to claim 1.

Nishizawa et al. and Ito et al. fail to teach wherein the image data are image data having a relatively low image transmission speed in the display data.

Tuli discloses of image data having a relatively low image transmission speed in the display data (Column 2, lines 10-30 explain that depending on bandwidth, the rate of

frame transfer, i.e. transmission speed, is adjusted in conjunction with the frame display rate meaning that if bandwidth is reduced, the transmission speed can be made to be low such as to accommodate the frame display rate.).

Therefore it would have been obvious to "one of ordinary skill" in the art at the time the invention was made for the image data taught by the combination of Nishizawa et al. and Ito et al. to have a low image transmission speed as taught by Tuli in order to provide for image data to have proper transfer to the portable device for display when the bandwidth allotment is reduced.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen G. Sherman whose telephone number is (571) 272-2941. The examiner can normally be reached on M-F, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SS

22 March 2006

AMR A. AWAD  
PRIMARY EXAMINER

